

**CORRECTED DEED NOTICE**

This Corrected Deed Notice is made as of the \_\_\_\_ day of \_\_\_\_, 2013, by the Estate of Mary Faye (Burke) Grisham with C.C. Grisham as Executor. Mr. C.C. Grisham's principal place of business is located at 1 Meriwether Pond, Harrison, AR 72601 (together with his/her/its/their successors and assigns, collectively "Owner").

1. **THE PROPERTY.** The Estate of Mary Faye (Burke) Grisham with Mr. C.C. Grisham as Executor is the owner in fee simple of certain real property (the "Property") on the tax map of Boone County, Arkansas; the Property is also known as the United State Environmental Protection Agency (USEPA) Arkwood Superfund Site (Site) under the National Priorities List (NPL) listed on March 31, 1989 for the contaminated Site, which is located within the Property as described herein; and the Property is more particularly described in Exhibit A (Figure I-3 "Site Location Map") and Exhibit B (Figure I-7 "General Site Features" Map ), which are attached hereto and made a part hereof .
2. **EFFECT OF CORRECTED DEED NOTICE.** This Corrected Deed Notice revises, amends and supersedes the Deed Notice executed and recorded (filed for record) by C.C. Grisham, Executor of the Estate of Mary Faye (Burke) Grisham, owner of the Property on August 30, 2010 ) in Boone County, Arkansas. (File No. 10 00447).
3. **AFFECTED PROPERTY:** (Exhibit C) Part of the Northeast Quarter of the Southwest Quarter and part of the South Half of the Northwest Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 21 North, Range 21 West, Boone County, Arkansas, more particularly described to-wit: Commencing at a stone marking the Southeast corner of the Northeast Quarter of the Southwest Quarter of Said Section 27, thence North 86° 02' 53" West 946.17 feet, thence North 01° 28' 49" East 970.62 feet to the place of rejoining said point being located on northerly right-of-way of county road, thence with said northerly right-of-way North 31° 53' 10" West 492.77 feet, thence North 33° 15' 00" West 345.29 feet, thence North 29° 35' 17" West 345.49 feet, thence North 34° 06' 52" West 118.66 feet, thence North 39° 10' 31" West 92.00 feet, thence North 43° 16' 58" West 107.38 feet, thence leaving said northerly right-of-way North 42° 42' 38" East 2.83 feet to the southerly right-of-way of Missouri Pacific Railroad, thence with said southerly right-of-way South 47° 17' 22" East 49.77 feet, thence South 48° 16' 00" East 318.53, thence South 48° 19' 25" East 602.13 feet, thence South 49° 01' 52" East 95.36 feet, thence South 50° 04' 43" East 99.37 feet, thence South 51° 43' 07" East 98.58 feet, thence South 53° 45' 52" East 100.98 feet, thence South 55° 55' 22" East 103.00 feet, thence South 57° 46' 36" East 12.20 feet, thence South 32° 13' 24" West 135.00 feet, thence South 57° 46' 36" East 245.44 feet , thence North 32° 13' 24" East 106.15 feet to the North line of a deed dated February 22, 1961, and recorded in Deed Book 85, Pages 164-165 in the Circuit Clerk and ex-officio Recorder Office in and for Boone County, Arkansas, thence along said North line South 56° 29' 35" East 1004.34 feet, thence leaving said North line South 23° 30' 25" West 154.07 feet to the approximate toe of slope of hill side, thence with said approximate toe of slope South 48° 18' 45" West 47.44 feet ,thence South 80° 10' 42" West 100.89 feet, thence North 76° 14' 40" West 132.91 feet, thence North 68° 01' 53" West 282.88 feet, thence North 52° 56' 23" West 164.49 feet thence North 63° 51' 10" West 200.07 feet, thence South 29° 26' 53" West 116.89 feet, thence South 03° 41' 49" West 144.76 feet, to the northerly right-of-way of County Road, thence leaving said approximate toe of slope and following said northerly right-of-way of County Road North 46° 17' 18" West 70.92 feet, thence North 41° 56' 22" West 86.18 feet, thence North 36° 55' 21" West 86.29 feet, thence North 33° 04' 49" West

111.09 feet, thence North 31° 53' 10" West 289.85 feet to the place of beginning and containing 18.076 acres more or less and subject to existing easements and right-of ways.

4. **AGENCY.** The USEPA is the agency responsible for overseeing the investigation and remediation of the Property under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) program.
5. **SOILREMEDIATION.** Under the direction of the USEPA, soil remediation activities were completed on December 1, 1995 with a final inspection performed by the USEPA and Arkansas Department of Pollution Control and Ecology (ADPCE) on December 13, 1995. As defined by the Record of Decision (ROD), soil cleanup levels were established at industrial levels, specifically, 300 mg/kg pentachlorophenol (PCP), 20 ug/kg dioxin (2,3,7,8-TCDD) and 6.0 mg/kg carcinogenic polynuclear aromatic hydrocarbons (Benzo(a)pyrene).
6. **SOIL CONTAMINATION.** Pursuant to the ROD, soil contamination remains at the Property in concentrations that do not allow unlimited use and unrestricted exposures on the Property. Notice of the residual contamination on the Property is necessary to limit any inappropriate land uses. Additionally, restrictions on land uses and engineering controls are required to limit any inappropriate land uses.
7. **GROUNDWATER CONTAMINATION.** Under the direction of EPA, treatment of PCP in surface water was implemented in 1997. Affected well water users were provided with city water lines to remove any uncertainty in their water supply. Monitoring of the PCP-contaminated groundwater is continuing to determine the degree to which natural attenuation is taking effect.
8. **ENGINEERING CONTROLS.** In compliance with the ROD and due to the presence of residual contaminants on the Property, McKesson Corporation, the Responsible Party under CERCLA, has agreed to the placement of certain engineering controls including: i) maintaining the Site in a fenced and secure manner; ii) maintaining the topsoil and grass cover; iii) maintaining the storm water system; and iv) providing routine inspection and maintenance for at least 30 years following the completion of remediation. McKesson Corporation shall implement and maintain the engineering controls so long as it is required to perform the remedial action in accordance with the ROD, and under the direction of US EPA. The Owner shall be responsible for monitoring and maintaining the engineering controls at such time as McKesson Corporation is determined by USEPA to have completed the remedial action to the satisfaction of the US EPA.
9. **ALTERATIONS, IMPROVEMENTS AND DISTURBANCES.** No person shall make, or allow to be made, any alteration, improvement, disturbance in, to, or about the Property, which disturbs any engineering control at the Property without obtaining the express written consent of the US EPA, with written notice to the Arkansas Department of Environmental Quality (ADEQ) and McKesson Corporation. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations, including, without limitation the applicable rules of the Occupational Safety and Health Administration (OSHA). This section survives any deletion of the Property from the National Priorities List.
10. **FUTURE LAND USE.** This Corrected Deed Notice is being placed on the property described above to ensure that any future development of the property is limited to industrial development. Development of this property for residential use is not appropriate, and

development of this property for commercial use as this term is defined by ADEQ regulations is also not appropriate.

11. **LAND USE RESTRICTIONS.** All persons at or on the Property are subject to the following land use restrictions:
  - i. No digging in the capped area below the depth which is determined to be protective as determined by USEPA, in consultation with ADEQ.
  - ii. No activities that will cause erosion or disrupt the integrity of the cap or landfill;
  - iii. No use, for any purpose, of the ground water.
  - iv. No activities that will affect the integrity of any current or future remedial or monitoring system such as ground water monitoring wells, impermeable reactive barriers.
  - v. No development of the Property for residential or commercial use.
12. **MONITORING AND MAINTENANCE OF ENGINEERING CONTROLS, AND PROTECTIVENESS CERTIFICATION.** Until such time as the remediation is completed, McKesson Corporation or their successors shall ensure compliance with the Land Use Restrictions, maintain all engineering controls at the Property and certify to the USEPA on a bi-annual basis that the remedial action of which each engineering control is a part remains protective of human health and safety and of the environment. When the remediation is completed by McKesson or their successors in accordance with the ROD and to the satisfaction of the USEPA, the Owner shall be responsible for ensuring compliance with the Land Use Restrictions maintaining all engineering controls and submitting all required certifications. All subsequent owners have this obligation during their ownership. The specific obligations to monitor compliance of each Land Use Restriction and maintain the engineering controls shall include the following:
  - i. Monitor compliance of each Land Use Restriction in Section 10 above and maintain each engineering control specified in Section 7 above to ensure that the remedy continues to be protective of the public health and safety and of the environment;
  - ii. Implement any actions that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the Site;
  - iii. Certify in writing to the USEPA, with notice to ADEQ, as to the continued protectiveness on January 15 biannually for at least 30 years following the completion of remediation. Such certifications shall commence on January 15, 2014, subsequent to the recording of this document.
  - iv. Continue to monitor compliance with Land Use Restrictions and ensure that the engineering controls are maintained after the the Site is delisted, as the Land Use Restrictions and engineering controls survive delisting.
13. **ACCESS.** USEPA, ADEQ and their agents and representatives shall have full access to the Property at all times to inspect and evaluate the continued protectiveness of the remedial action or other purposes defined under Arkansas law that includes this Deed Notice.
14. **NOTICES.** The Owner and subsequent owners shall cause all leases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply fully with the requirements in this Corrected Deed Notice. Nothing contained in this paragraph shall be construed as limiting any obligation of any person to provide any notifications required by any law, regulation, or order of any governmental authority.

- i. The Owner and any subsequent owners shall provide written notice to the USEPA at least 30 calendar days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Property.
- ii. The Owner and any subsequent owners shall provide written notice to the USEPA within 60 calendar days following the owner's petition for or filing of any document requesting a change in the permitted use of the Property.

The Owner and any subsequent owners shall submit written notice under i and ii above to:

Superfund Division, Remedial Branch  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202

AND

(ADEQ representative to be added)  
Arkansas Department of Environmental Quality  
Chief, Hazardous Waste Division  
5301 Northshore Drive  
North Little Rock, AR 72118

15. **ENFORCEMENT OF VIOLATIONS.** This Corrected Deed Notice is intended to provide notice that future use of the Property is restricted to industrial use. The restrictions provided herein are enforceable by USEPA and/or ADEQ against any person who violates this Corrected Deed Notice. To enforce violations of this Corrected Deed Notice, USEPA and/or ADEQ may initiate one or more enforcement actions and require additional remediation, and assess damages.
16. **SUCCESSORS AND ASSIGNS.** This Corrected Deed Notice shall be binding upon the Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.
17. **MODIFICATION AND TERMINATION.**
  - i. Any person may request in writing, at any time, that the USEPA, with notice to ADEQ, may modify or terminate this Corrected Deed Notice where performance of subsequent remedial actions, a change of conditions at the Site, or adoption of revised remediation standards suggest that modification of the Deed Notice would be appropriate.
  - ii. This Corrected Deed Notice may be revised or terminated only upon filing of an instrument, approved by the USEPA, in the office of the Circuit Clerk, 200 Courthouse, 100 N. Main Street, Harrison, Boone County, Arkansas, expressly modifying or terminating this -Corrected Deed Notice.

10. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Corrected Deed Notice as of the date first written above.

Estate of Mary Faye (Burke) Grisham with C.C. Grisham as Executor

\_\_\_\_\_  
C.C. Grisham, Executor

\_\_\_\_\_  
Signature

STATE OF ARKANSAS

SS.:

COUNTY OF BOONE

I certify that on \_\_\_\_ day of \_\_\_\_\_, 2013, C.C. Grisham personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) This person is the Executor of the Estate of Mary Faye (Burke) Grisham, the Owner named in this document; and

(b) This person signed this proof to attest to the truth of these facts.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
C.C. Grisham, Executor for the Estate of Mary Faye (Burke) Grisham

Signed and sworn before me on \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_, Notary Public

\_\_\_\_\_  
[Print name and title]